

ORDINANCE NO. 2001-10

AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING THE TOWN CODE BY PROVIDING FOR A SECTION ENTITLED TELECOMMUNICATION TOWERS AND ANTENNAS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the regulation and the siting of telecommunications towers and antennas within the Town of Southwest Ranches, Florida is necessary to promote the health, safety and general welfare of its citizens; and

WHEREAS, the regulation is necessary to ensure compliance with all applicable federal statutory requirements; and

WHEREAS, the regulation will provide for the appropriate location and development of telecommunication towers and antennas within the Town; and

WHEREAS, the regulation will minimize adverse visual effects of telecommunications towers and antennas through careful design, siting, landscaping screening and innovative camouflaging techniques; and

WHEREAS, the regulation will avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures; and

WHEREAS, the regulation will protect residential areas and land uses from potential adverse impacts of telecommunications towers and antennas by maximizing use of any new or existing telecommunications towers through shared use, i.e., co-location, and combining to reduce the number of towers needed;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Southwest Ranches, Florida:

Section 1: That the foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance.

Section 2: That the Town Code is amended to read:
Telecommunication Towers and Antennas.

1.1. Intent.

The regulations and requirements of this section are intended to:

- (a) Promote the health, safety and general welfare of the citizens by regulating the siting of telecommunications towers and antennas within the Town; and ensure compliance with all applicable federal statutory requirements;
- (b) Provide for the appropriate location and development of telecommunications towers and antennas within the Town;
- (c) Minimize adverse visual effects of telecommunications towers and antennas through careful design, siting, landscaping screening and innovative camouflaging techniques;
- (d) Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures;
- (e) Protect residential areas and land uses from potential adverse impacts of telecommunication towers and antennas by maximizing use of any new or existing telecommunications towers through shared use, i.e., co-location, and combining to reduce the number of towers needed .

1.2. Definitions

The following words, terms and phrases, when used in this section, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory use: A use incidental to, subordinate to, and subservient to the main use of the property. As defined in this section an accessory use is a secondary use.

Antenna: A transmitting and/or receiving device and/or relays used for wireless services that radiates or captures electromagnetic waves, including directional antennas, such as panel and microwave dish antennas, and omni-directional antennas, such as whips, excluding radar antennas, amateur radio antennas and satellite earth stations.

Antenna Support Structure: Any building or structure, other than a tower, that can be used for location of telecommunications facilities.

Combined antenna: An antenna or an array of antennas designed and utilized to provide services for more than one carrier.

Extraordinary conditions: Subsequent to a hurricane, flood, or other natural hazard or subsequent to a defective finding on a previous inspection.

Guyed tower: A telecommunications tower that is supported, in whole or in part, by guy wires and ground anchors.

Master Microcell facility: A telecommunications facility consisting of an antenna (as defined above) and related equipment which is located either on a telecommunications tower or affixed to a structure in some fashion for the provision of wireless services.

Microwave dish antenna: A dish-like antenna used to link wireless service sites together by wireless transmission of voice or data.

Monopole tower: A telecommunications tower consisting of a single pole or spire self-supported by a permanent foundation, constructed without guy wires and ground anchors.

Panel antenna: An array of antennas designed to concentrate a radio signal in a particular area.

Roofline: The overall ridge line of the structure which does not include cupolas, elevator towers, clock towers or other features that are permitted to exceed the maximum height of the building.

Self-support lattice tower: A tapered structure broad at the base and more narrow at the top consisting of cross-members and diagonal bracing and without guyed support.

Stealth facility: Any telecommunications facility which is designed to blend into the surrounding environment. Examples of stealth facilities include architecturally screened roof mounted antennas, antennas integrated into architectural elements, and telecommunication and/or wireless services towers designed to look like light poles, flag poles, power poles, trees or other similar structures.

Stealth/camouflaged monopole: A telecommunication tower consisting of a single pole or spire self-supported by a permanent foundation, constructed without guy wires and ground anchors and designed to blend into the surrounding environment. Examples of stealth/camouflaged monopole towers telecommunication and/or wireless services towers designed to look like light poles, flag poles, power poles or trees.

Telecommunication facility: A combination of equipment which is located either upon a telecommunication tower or a structure which includes some form of antenna for the purpose of transmitting and receiving wireless services.

Telecommunications tower: A stealth/camouflaged monopole, monopole, self-support/lattice, or guyed tower, constructed as a free-standing structure, containing one (1) or more antennas, used in the provision of wireless services, excluding radar towers, amateur radio support structures licensed by the FCC, private home use of satellite dishes and television antennas and satellite earth stations installed in accordance with applicable needs.

Whip antenna: A cylindrical antenna that transmits and/or receives signals in three hundred sixty (360) degrees.

1.3 Telecommunication tower siting in certain zoning districts.

Freestanding telecommunication towers shall be located in the following order of hierarchy:

- (1) Town owned property
- (2) Industrial Park M-1A district
- (3) Liberal business B-3 district

Town owned property shall take preference over privately owned property. If the proposed site is other than Town owned property, the applicant shall provide an affidavit stating that there is a demonstrated need for the placement of the facility at that location and that there is not a technically suitable location available to accommodate the need.

- (a) Freestanding telecommunications towers shall be deemed a permitted use on any Town owned property in accordance with an executed lease agreement acceptable to the Town. The Town shall have no obligation whatsoever to execute such lease even if the applicant can meet the criteria set forth herein.

The Town may, as appropriate, to protect its property and the public interest establish additional requirements beyond the minimum requirements of a permit for Town owned property. Setback and distance requirements in the Town Code may be, modified to the extent necessary to provide for the public interest as determined by the Town Council. This provision further does not preclude the Town from issuing a letter of interest for the purposes of leasing sites on designated Town property for the construction and installation of telecommunications facilities. For designated Town owned property, the Town will encourage the installation of telecommunications facilities which have a minimal impact on the surrounding areas and are consistent with the development of the affected area.

- (b) Telecommunications towers shall be deemed a permitted use in Industrial Park M-1A district subject to the applicant showing that it has met the requirements of the minimum standards for development of towers as specified in this ordinance and subject to site plan review by the Town Administrator or a designee with final approval by the Town Council.
- (c) Telecommunications towers shall be deemed a conditional use within the Liberal business B-3 district.

Each conditional use pursuant to paragraph (c) above shall be reviewed by the Town Administrator to determine if said conditional use is appropriate in the area where same is to be placed, based upon the criteria set forth herein, and approval is subject to review by the Town Administrator or a designee with final approval by the Town Council.

- (d) Towers as part of existing utility poles shall be permitted as a conditional use pursuant to paragraph (c) in the Florida Power & Light Easement, use for major electric transmission. No freestanding towers constructed exclusively for wireless service shall be permitted other than as provided in paragraphs (a), (b), and (c). No additional rights other than provided herein shall be deemed created by this designation.
- (e) Prohibitions. The location of a new telecommunications tower on a property other than those specified on (a), (b), (c) or (d) shall be prohibited.
- (f) Time limit on project completion. Once a telecommunications tower is approved by the Town a building permit application shall be submitted within six (6) months.

1.4. Minimum standards for development of towers.

All telecommunications towers must meet the following minimum standards:

- (a) Tower types. To minimize adverse visual impacts, tower types shall be selected based upon the following hierarchy:
 - (1) Stealth/camouflaged monopole
 - (2) Monopole
 - (3) Self-support/lattice tower

The applicant shall be required to demonstrate, in a technical manner acceptable to the Town Council why each choice in the hierarchy cannot be used for the particular application in order to justify the selection of a tower type lower in the hierarchy.

- (b) Guyed towers shall not be permitted.
- (c) Prior to the issuance of a building, electrical, engineering or a construction permit, a site development plan shall be presented to the Town Council. If, however, the proposed tower is located on Town property, since the lease agreement will be reviewed by the Town Council prior to the submittal of a site development plan application, prior to the issuance of a building, electrical, engineering or a construction permit, a site development plan shall be presented to the Town Administrator. Each application for a proposed telecommunications tower shall include all requirements for site development plan approval as required in other sections of the Town Code. To help ensure compatibility with surrounding land uses, each application for a proposed communication tower shall include the following information:
 - (1) The exact location of the proposed tower location on a Town of Southwest Ranches Official Zoning Map;
 - (2) The maximum height of the tower;
 - (3) The location of the proposed tower, placed upon an aerial photograph possessing a scale of not more than one (1) inch equals three hundred (300) feet, indicating all adjacent land uses within a radius of three thousand (3,000) feet from a property line of the proposed tower location site;
 - (4) The names, addresses and telephone numbers of all owners of other towers or antenna support structures within the search area of the proposed new tower site, including Town owned property;
 - (5) Written documentation that the applicant made diligent but unsuccessful efforts for permission to install or co-locate the applicant's telecommunications facilities on all Town owned towers or antenna support structures located within the search area of the proposed tower site;
 - (6) Written documentation that the applicant made diligent but unsuccessful efforts for permission to install or co-locate the applicant's telecommunications facilities on all towers or antenna support structures owned by other persons located within the search area of the proposed tower site;
 - (7) A delineation of the search area needed for the coverage or capacity;
 - (8) A line of sight analysis which shall include the following information:
 - (i) An identification of significant existing natural and man-made features adjacent to the proposed tower location, to indicate those features that will provide buffering for adjacent properties and public rights-of-way;
 - (ii) A statement as to the potential visual and aesthetic impacts of the proposed tower on all adjacent residential zoning districts;

- (iii) An identification of specific points, measured two thousand (2,000) feet north of the proposed tower, two thousand (2,000) feet south of the proposed tower, and two thousand (2000) feet east and west of the proposed tower from which the line of sight analysis is presented or the closest accessible public property from each of the above delineated points;
 - (iv) A graphic illustration of the visual impact of the proposed tower, at a scale that does not exceed five (5) degrees of horizontal distance, presented from specific points identified within the line of sight analysis;
- (9) A report shall be submitted, prepared by a licensed professional engineer, which describes the tower height and design, including a cross-section of the structure; through rational engineering analysis demonstrates the tower's compliance with applicable standards as set forth in the South Florida Building Code, latest Broward County Edition; and describes the tower's capacity, including number and type of antennas and dishes it can accommodate;
- (10) Proof of adequate insurance coverage acceptable by the Town for any potential damage caused by the tower. Thirty (30) days' notice of cancellation of insurance to the Town is required.
- (11) Such other additional information as may be reasonably required by Town staff to fully review and evaluate the potential impact of the proposed tower, including: (i) the existing cell sites (latitude, longitude, power levels) to which this proposed site will be a handoff candidate, (ii) an RF plot indicating the coverage of existing sites, and that of the proposed site (iii) antenna heights and power levels of proposed site, (iv) A written affidavit stating why the proposed site is necessary for their communications service (e.g., for coverage, capacity, hole-filling, etc.) and a statement that there are no existing alternative sites within the provided search area, and there are no alternative technologies available which could provide the proposed service enhancement without the tower. Town staff may utilize the services of a registered professional engineer or a radio frequency engineer who has at least a four year engineering degree to confirm the statements made above. The cost of same shall be borne by the applicant.
- (d) No new tower shall be built, constructed or erected in the Town unless such tower is capable of accommodating, at a future date, additional telecommunications facilities owned by other persons and the tower owners agree to comply with section 1.14(c), Existing towers. All new towers shall be designed and built to accommodate multiple users; at a minimum, stealth/camouflaged monopole and monopole towers shall be able to accommodate three (3) users and at a minimum, self-support/lattice towers shall be able to accommodate four (4) users. As wireless technology advances, applicants may be required to construct facilities utilizing advancing technologies including, but not limited to combined antennas when determined necessary for health, safety, welfare aesthetics, and compatible with providers technical, capacity and coverage requirements. The applicant shall state in any application for permit that it will, as a condition of issuance of the permit, accommodate antenna facilities of other providers, on a nondiscriminatory basis on terms which are reasonable in the industry unless the applicant can affirmatively demonstrate, based on verifiable objective data, why it cannot do so. Refusal to

continually comply with this obligation shall be a violation of this ordinance and shall be grounds for revoking applicant's permit.

- (e) Non-interference. Each applicant to allow construction of a telecommunications tower shall include a certified statement, prepared by a radio frequency (RF) engineer who has at least a four year engineering degree or a licensed professional engineer, that the construction and placement of the tower, will not unnecessarily interfere with public safety communications and the usual customary transmission or reception of radio and television service enjoyed by adjacent residential and nonresidential properties. A statement shall be prepared by a radio frequency (RF) licensed professional engineer or a radio frequency engineer who has at least a four year engineering degree, identifying any interference that may result from the proposed construction and placement.
- (f) Access. A parcel of land upon which a tower is located must provide access during normal business hours to at least one (1) paved vehicular parking space adjacent to each tower location.
- (g) Each application for a telecommunications tower may be required to include a statement that there is no objection from other federal or state agencies that may regulate telecommunications tower siting, design and construction. All proposed telecommunication towers shall comply with current radio frequency emissions standards of the Federal Communications Commission, or other legally regulating body.
- (h) Requirements in this section may be waived where it is determined that based upon site, location or facility, such waiver is in the best interest of the health, safety, welfare or aesthetics of the Town and in the best interest of telecommunication service to the community. Such waiver shall require four affirmative votes of the Town Council.
- (i) Notice of public notification. Notice of an application for a telecommunications tower shall be set via certified mail to all property owners within a fifteen hundred (1500) foot radius of the affected property. The applicant shall provide the notification mailing labels and shall pay the Town's costs for the preparation of the notification letters and the mailing as well as the cost of the certified mailing.

1.5. Height/setbacks and related location requirements.

(a) The height of a telecommunication tower shall not exceed one hundred fifty (150) feet not including non-structural lightning rods and required safety lightning. Tower height shall be measured from the crown of the road of the nearest public street.

(b) Telecommunication towers shall at a minimum conform with the setback established for the underlying zoning district.

(c) Stealth/camouflaged monopole, monopole, or self-support/lattice telecommunication towers shall not be permitted in proximity to any residential zoned parcel that is within four times (4x) the height of the tower. By way of illustration, if the Tower is 150 feet, it must be at least 600 feet from any residential zoned parcel.

(d) All buildings and other structures to be located on the same property as a telecommunications tower shall conform with the setbacks established for the underlying zoning district.

(e) Waiver. This provision may be waived where it is determined that based upon site, location or facility, such waiver is in the best interest of the health, safety, welfare or aesthetics of the Town or compliance with other regulations, and in the best interest of telecommunication service to the community. Any waiver shall require four affirmative votes of the Town Council.

1.6. Buffering.

(a) An eight (8) foot high fence or wall, as measured from the finished grade of the site, shall be required around the tower and any accessory buildings or structures. In no case will barbed wire or razor wire fencing be permitted. Access to the tower shall be through a locked gate.

(b) Landscaping, consistent with the requirements of the Town Code, shall be installed around the entire perimeter of any fence or wall. Additional landscaping may be required around the perimeter of a fence or wall and around any or all anchors or supports if deemed necessary to buffer in order to enhance compatibility with adjacent residential and nonresidential land uses. Landscaping shall be installed on the outside of the perimeter fence or wall.

(c) Landscaping consistent with perimeter and on-site requirements of the Town Code shall be installed around any accessory buildings or structures.

1.7. High voltage, "No Trespassing" and other warning signs.

(a) If high voltage is necessary for the operation of the telecommunications tower or any accessory structures, "HIGH VOLTAGE-DANGER" warning signs shall be permanently attached to the fence or wall and shall be placed no more than forty (40) feet apart.

(b) "NO TRESPASSING" warning signs shall be permanently attached to the fence or wall and shall be spaced no more than forty (40) feet apart.

(c) The letter for the "HIGH VOLTAGE-DANGER" and "NO TRESPASSING" warning signs shall be at least six (6) inches in height. The two (2) warning signs may be combined into one (1) sign. The warning signs shall be installed at least five (5) feet above the finished grade of the fence.

(d) The warning signs may be attached to freestanding poles if the content of the signs may be obstructed by landscaping.

(e) Signs noting Federal Registration (if required) shall be attached to the tower structure in compliance with federal regulation.

1.8. Equipment storage.

Mobile or immobile equipment not used in direct support of a telecommunications facility shall not be stored or parked on the site of the telecommunications facility, unless repairs to the facility are being made. Portable emergency generators may be temporarily located at a telecommunications facility in the event of a power outage but must be removed upon resumption of power. Portable "crank-up" or otherwise mobile telecommunications facilities may not be located at a telecommunications facility. Nothing in this section shall preclude the placement of a permanent generator onsite provided that the generator meets the criteria set forth in the Town Code and is in compliance with the South Florida Building Code, latest Broward County Edition.

1.9. Removal of abandoned or unused facilities.

All abandoned or unused telecommunications tower facilities shall be removed by the tower owner/operator within ninety (90) days of the cessation of use. A tower shall be considered abandoned if use has been discontinued for one hundred eighty (180) consecutive days. Telecommunications towers being utilized for other purposes, including but not limited to light standards and power poles, may be exempt from this provision where superseded by the requirements of other county, state or federal regulatory agencies.

1.10. Signs and advertising.

The use of any portion of a tower for signs or advertising purposes, including but not limited to a company name, banners, streamers, religious icons etc., shall be strictly prohibited.

1.11. Accessory buildings or structures.

All accessory buildings or structures shall meet all building design standards as listed in the Town Code and in accordance with the provisions of the South Florida Building Code, latest Broward County Edition. All accessory buildings or structures shall require a building permit.

Accessory structures shall be designed to resemble the basic design of the principal use or be designed to resemble the neighborhood's basic building design. In no case will metal exteriors be allowed for accessory buildings.

1.12. Colors.

Except where superseded by the requirements of other county, state, or federal regulatory agencies possessing jurisdiction over telecommunications towers, telecommunications towers shall be painted or constructed in neutral colors, designed to blend into the surrounding environment such as non-contrasting gray.

1.13. Inspection report required.

(a) Telecommunication tower owners shall submit a report to the Town Administrator certifying structural and electrical integrity on the following schedule:

- (1) Stealth/camouflaged monopole towers-Once every two (2) years;
- (2) Monopole towers-Once every two (2) years;
- (3) Self-support/lattice towers-Once every two (2) years; and

(b) Inspections shall be conducted by an engineer licensed to practice in the State of Florida. The results of such inspections shall be provided to the Town Administrator. Based upon the results of an inspection, the Town Administrator may require repair or removal of a telecommunication tower.

(c) The Town may conduct periodic inspections with the cost of such inspection paid by the tower owner of the telecommunications tower(s) to ensure structural and electrical integrity. The owner of the telecommunication tower may be required by the Town to have more frequent inspections if there is evidence that the tower has a safety problem or is exposed to extraordinary conditions.

1.14. Existing towers.

(a) All telecommunications towers existing on May, 10 2001, (the effective date of this ordinance) which do not meet the requirements of this ordinance shall be considered legally nonconforming under this section and allowed to continue their legal usage as they presently exist, with the exception of Federal regulations relating to the health and safety of exposure levels as defined by the Occupational Safety and Health Act as amended and radio frequency (RF) exposure levels as defined by Federal Communications Commission regulations. Any modification of a legal nonconforming tower must be submitted for review per section 1.4; however, approval shall be granted by the Town Council. New construction other than routine maintenance on an existing telecommunications tower shall comply with the requirements of this section.

(b) Notwithstanding the above provisions of this section, telecommunications antennas may be placed on existing towers with sufficient loading capacity after approval by the Town Administrator. The capacity shall be certified by an engineer licensed to practice in the State of Florida.

(c) Any owner of land upon whose parcel of land a tower is located, which contains additional capacity for installation or co-location of telecommunications facilities, shall allow other persons to install or co-locate telecommunications facilities on such a tower subject to reasonable terms and conditions negotiated between the parties and subject to the terms of the original tower agreement.

(d) An existing tower may be modified to accommodate co-location of additional telecommunications facilities as follows:

- (1) Application for a development permit shall be made to the Town Administrator who shall have the authority to issue a development permit without further approval by the Town Council.
- (2) The total height of the modified tower and telecommunications facilities attached thereto shall not exceed the pre-modification height approved for that location.
- (3) A tower that is being rebuilt to accommodate the co-location of additional telecommunications facilities may be moved on site subject to the setback requirements of the zoning district where the tower is located.
- (4) Additional antennas, communication dishes and similar receiving or transmission devices proposed for attachment to an existing telecommunications tower, shall require review of the Town Council. The application for approval to install additional antennas shall include certification from an engineer registered in Florida indicating that the additional device installed will not adversely affect the structural integrity of the tower. A visual impact analysis shall be included as part of the application for approval to install one (1) or more additional devices to an existing tower. However, addition of up to two antennas per sector, of similar profile to those existing on an existing antenna sectorized "platform", shall not require review of the Town Council. Applicants must still demonstrate the structural integrity of the tower with the additional antennas to the Town prior to construction.

1.15. Permit fees, application and inspection fees required.

(a) Permit required. Construction without Town permit is prohibited. No construction shall be started until a permit to construct has been granted by the Town Administrator or by a designated person or entity appointed by the Town Administrator. At the time of filing the construction drawings and documents referred to herein, the developer or owner or applicant as the case may be shall provide a detailed cost analysis of the cost of construction of the telecommunications facilities covered by this section. The applicant, developer, or owner as the case may be shall pay the Town permit fees in accordance with the Schedule of permit fees, of the Town Code.

(b) Application fee required. A filing fee in an amount necessary to cover the costs for the processing of the application shall be submitted for site development approval. In addition, a biennial inspection fee in the amount necessary to cover the costs of the inspection process is due to the Town at the time of inspection.

1.16. Maintenance.

(a) Providers shall at all times employ ordinary and reasonable care and shall install and maintain in use nothing less than commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries, or nuisances to the public.

(b) Providers shall install and maintain towers, telecommunications facilities, wires, cables, fixtures and other equipment in substantial compliance with the requirements of the National Electric Safety Code and all FCC, state and local regulations, and in such manner that will not interfere with the use of other property.

(c) All towers, telecommunications facilities and antenna support structures shall at all times be kept and maintained in good condition, order, and repair so that the same shall not menace or endanger the life or property of any person.

(d) All maintenance or construction on a tower, telecommunications facilities or antenna support structure shall be performed as provided by law.

(e) All towers shall maintain compliance with current radio frequency emissions standards of the FCC.

(f) In the event any portion of the use of the tower is discontinued by any provider, that provider shall provide written notice to the Town of its intent to discontinue use and the date when the use shall be discontinued.

1.17. Antennas not located on telecommunications towers.

(a) Stealth and non-stealth rooftop or building-mounted antennas not exceeding twenty (20) feet above roofline and not exceeding ten (10) feet above maximum height of applicable zoning district shall be permitted as a conditional use in the following districts:

- (1) Town owned property.
- (2) Industrial Park M-1A district.
- (3) Liberal business B-3 district.

(b) The approval of any antenna not located on telecommunications towers shall be subject to site plan review by the Town Administrator or a designee with a showing that the minimum standards as specified in this ordinance have been met with a final approval by the Town Council.

(c) Town owned property shall take preference over privately owned property. If the proposed site is other than Town owned property, the applicant shall provide an affidavit stating that there is a demonstrated need for the placement of the facility at that location and that there is not a technically suitable location available to accommodate the need.

(1) Stealth and non-stealth rooftop or building-mounted antennas shall be deemed a permitted use on any Town owned property in accordance with an executed lease agreement acceptable to the Town. The Town shall have no obligation whatsoever to execute such lease even if the applicant can meet the criteria set forth herein. The Town may, as appropriate, to protect its property and the public interest establish additional requirements beyond the minimum requirements of a permit for Town owned property. Setback and distance requirements in the Town Code may be, modified to the extent necessary to provide for the public interest as determined by the Town Council. This provision further does not preclude the Town from issuing a letter of interest for the purposes of leasing sites on designated Town property for the construction and installation of telecommunications facilities. For designated Town owned property, the Town will encourage the installation of telecommunications facilities which have a minimal impact on the surrounding areas and are consistent with the development of the affected area.

(d) Minimum standards. Buildings or rooftop antennas shall be subject to the following standards:

- (1) No commercial advertising or religious icons shall be allowed on an antenna;
- (2) No signals, lights, or illumination shall be permitted on an antenna, unless required by the Federal Communications Commission or the Federal Aviation Administration;
- (3) Any related unmanned equipment building shall not contain more than seven hundred fifty (750) square feet of gross floor area or be more than twelve (12) feet in height; and
- (4) If the equipment building is located on the roof of the building, the area of the equipment building shall not occupy more than twenty-five (25) percent of the roof area;
- (5) Each application shall contain a rendering or photograph of the antenna including, but not limited to, colors and screening devices. This shall be subject to administrative approval for consistency with the definition of stealth facility.
- (6) Antennas shall only be permitted on buildings which are at least two (2) stories in height.
- (7) Antennas may not exceed more than ten (10) feet above the highest point of a roof. Stealth antennas attached to but not above rooftop structures shall be exempt from this provision.
- (8) Antennas and related equipment buildings shall be located or screened to minimize the visual impact of the antenna upon adjacent properties and shall be of the material or color which matches the exterior of the building or structure upon which it is situated.

(9) When located on building facade, building mounted antennas shall be painted and texturized to match the existing building.

(10) Requirements in this section may be waived where it is determined that based upon site, location or facility, such waiver is in the best interest of the health, safety, welfare or aesthetics of the Town and in the best interest of telecommunication service to the community.

(e) Antenna types. To minimize adverse visual impacts, antenna types shall be selected based upon the following hierarchy.

(1) Panel

(2) Dish

(3) Whip

If non-stealth antenna(s) is proposed, the applicant shall be required to demonstrate, in a technical manner acceptable to the Town, why each choice in the hierarchy cannot be used for the particular application in order to justify the selection of an antenna type lower in the hierarchy. This does not preclude a combination of the various types of antennas.

(f) Antenna dimensions. A statement shall be submitted, prepared by a professional registered engineer licensed to practice in the State of Florida, or a radio frequency engineer who has at least a four year engineering degree, who is competent to evaluate suitability of antennas types, to certify the need for required dimensions.

(g) Aircraft hazard. Prior to the issuance of a building permit, the application shall provide evidence that the telecommunications towers or antennas are in compliance with Federal Aviation Administration (FAA) regulations. Where an antenna will not exceed the highest point of the existing structure upon which it is mounted, such evidence shall not be required.

1.18. Shared use of communication towers.

(a) Notwithstanding any other provision of this article, to minimize adverse visual impacts associated with the proliferation and clustering of telecommunication towers, co-location of facilities on existing or new towers shall be encouraged by:

(1) Only issuing permits to approved shared facilities at locations where it appears there may be more demand for towers than the property can reasonably accommodate; or

(2) Giving preference to approved shared facilities over other facilities in authorizing use at particular locations.

(b) No development approval to develop, build, construct, or erect a tower pursuant to this section shall be granted to any person on the basis that it is economically unfeasible for such person to co-locate or install its telecommunications facilities on a tower or antenna support structure owned by another person.

(c) Co-location of communication antennas by more than one (1) provider on existing or new telecommunications tower shall take precedence over the construction of a new single-use telecommunications towers. Accordingly, each application for a telecommunications tower shall include the following:

- (1) A written evaluation of the feasibility of sharing a telecommunication tower, if appropriate telecommunications towers are available. The evaluation shall analyze one (1) or more of the following factors:
 - a. Structural capacity of the towers;
 - b. Radio frequency interference;
 - c. Geographical search area requirements;
 - d. Mechanical or electrical incompatibility;
 - e. Inability or ability to locate equipment on the tower or towers;
 - f. Availability of towers for co-location;
 - g. Any restrictions or limitations of the Federal Communications Commission that would preclude the shared use of the tower;
 - h. Additional information requested by Town.
- (2) The Town may deny an application if an available co-location is feasible and the application is not for such co-location.
- (3) For any telecommunications tower approved for shared use, the owner of the tower shall provide notice via certified mail of the location of the telecommunications tower and sharing capabilities to all other wireless tower users in Broward County.
- (4) The owner of any telecommunications tower approved for shared use shall cooperate and negotiate fairly with all other possible tower users regarding co-location leases.
- (5) Requirements in this section may be waived where it is determined that based upon site, location, or facility, such waiver is in the best interest of the health, safety, welfare, or aesthetics of the Town and in the best interest of telecommunication service to the community. Any waiver shall require four affirmative votes of the Town Council.
- (d) Co-location application fee required. A filing fee in the amount necessary to process the co-location application shall be submitted upon the application for co-location approval.

1.19. Satellite receiving antenna (SRAM).

(a) Definition. Satellite receiving antenna means a round dish-like antenna larger than one meter (39.37 inches), intended to receive signals from orbiting or geo-stationary satellites and other sources, or to link wireless service sites together by wireless transmission of voice or data.

(b) Single and two-family residential standards:

(1) Any SRAM located on residential property shall be restricted to residential use.

(c) Nonresidential and multifamily standards:

(1) All SRA's shall be ground-mounted and located in the rear yard so as not to be visible from any public right-of-way.

(2) A SRA may not be located in the rear yard if the rear lot lines abuts a public right-of-way or lands zoned residential.

(3) Landscaping including shrubs a minimum of thirty-six (36) inches on all sides, an opaque screen (i.e., wood fence, translucent mesh, etc.) or both shall be incorporated on any dish located in a rear yard.

- (4) No SRA shall exceed twenty (20) feet in height measured from grade. No dish shall exceed fifteen (15) feet in diameter.
- (5) Nonresidential SRA's may be considered for roof installation provided that application is made to development review committee as a conditional use and same shall be granted or denied by the Town Council of the Town of Southwest Ranches. Roof-mounted SRA must be screened by parapets that appear to be an integral part of the building so that not more than twenty-five (25) percent of the antenna height is visible from grade level of adjacent property and adjacent public or private right-of-way.
- (6) All SRA's shall not be light reflective. Dish antennas shall not have any sign copy on them nor shall they be illuminated.
- (7) Each person wishing to place SRA's in nonresidential and multifamily zoned property shall make application to development review committee as a conditional use and same shall be granted or denied by the Town Council of the Town of Southwest Ranches.
- (8) There shall be no more than one (1) antenna as described in paragraph (a) on any plot. However, where business is licensed by the Town as a dealer of electronic equipment [such business] may have two (2) antennas as described in paragraph (a) for their plot.

1.20. Payment to the Town for telecommunication towers and antennas.

All monies received for the leasing of Town property for telecommunication towers and antennas shall be deposited in the Town's general fund.

1.21. Waiver.

Any provision of this Ordinance may be waived by the Town Council where it is determined that based upon site, location or facility, such waiver is in the best interest of the health, safety, welfare or aesthetics of the Town or compliance with other regulations, and in the best interest of telecommunication service to the community. Any waiver shall require four affirmative votes of the Town Council.

Section 3: Conflicts. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

Section 4: Severability. If any word, phrase, clause, sentence, or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this ordinance.

Section 5: Effective Date. This Ordinance shall be effective immediately upon its adoption.

PASSED ON FIRST READING this 12th day of April, 2001.

PASSED AND ADOPTED ON SECOND READING this 12th day of July, 2001.

Mecca Fink, Mayor

Attest:

Arielle Haze Tyner, Town Clerk

Approved as to Form and Correctness:

Gary A. Poliakoff, J.D., Town Attorney